

IN THE MATTER OF The Ontario Human Rights Code, S.O. 1981, Chapter 53, as amended;

AND IN THE MATTER OF a Complaint by the Ontario Human Rights Commission alleging a denial of equal treatment with respect to services and facilities without discrimination because of ancestry, place of origin, ethnic origin, citizenship and family status and thereby granting a preference in the provision of such services by Her Majesty the Queen in Right of the Province Ontario, Her servants and agents, the Ministry of Education

#### MINUTES OF SETTLEMENT

The Ministry of Education and the Ontario Human Rights Commission hereby agree to a settlement of the above matter on the following terms:

1. The Ministry of Education shall grant Ontario scholarships to visa students who qualified academically for the Ontario Scholarship Award for the academic years 1982-83, 1983-84, 1984-85 and 1985-86 provided that such students are lawfully resident in Canada for post secondary education or other activities as of the date hereof.



2. In order to locate the visa students, pursuant to supra paragraph 1, who qualified for the Ontario Scholarship Award from the academic year 1982-83 to the present, the Ministry of Education will advertise in the Globe and Mail advising the visa students of their award. The Ministry of Education will also mail a letter to each qualifying visa student at his or her last known address.

3. The Ministry of Education shall send a letter in the form attached hereto as Schedule "A" to the last known permanent address of such visa students for the academic years 1982-83, 1983-84, 1984-85 and 1985-86 who qualified academically for the Ontario Scholarship Award but who are no longer lawfully resident in Canada.

4. In the future, the Ministry of Education shall grant Ontario Scholarships to visa students who qualify academically for the Ontario Scholarship Award provided that such students are lawfully resident in Canada as of the 15th day of the September immediately following the academic year in question.

5. The Ministry of Education shall send a letter in the form attached as Schedule "A" to visa students who qualify academically for the Ontario Scholarship Award in the future but who are no longer lawfully resident in Canada as of the 15th day of September immediately following the



academic year in question.

6. For the purposes herein, a person is lawfully resident or remains in Canada when he or she has been issued a valid visa for post-secondary education or is permitted to reside in Canada for some other lawful means.

7. Nothing hereinbefore in any way affects the capacity of the Ministry of Education to enact legislation, regulation or policies which include as a requirement Canadian citizenship or admission to Canada for permanent residence.

8. The above Minutes of Settlement are subject to approval of the Ontario Human Rights Commission, the Ministry of Education and the receipt of funding approval from the Management Board of Cabinet.

9. The Ministry of Education shall use its best efforts to obtain the funding approval from the Management Board of Cabinet as soon as possible. In the event that such approval has not been obtained by April 15, 1987 the Ontario Human Rights Commission may, in its sole discretion, elect to treat this settlement as at an end and proceed with the Board of Inquiry.

10. Upon the granting of all the necessary approvals as mentioned above in paragraph 8, the complaint filed by the



Ontario Human Rights Commission, for which the Minister of Labour has appointed Professor Frederick H. Zemans as a Board of Inquiry, shall be withdrawn by the Ontario Human Rights Commission and these Minutes of Settlement shall not form part of the record or an order of the Board of Inquiry.

DATED at Toronto, this 2 day of March, 1987.

ONTARIO HUMAN RIGHTS COMMISSION

Per: E. Farrell

MINISTRY OF EDUCATION

Per: Q. Yee  
(Q. Yee)





**SCHEDULE A**

Date

Mr. or Ms. Visa Student  
Address

Dear Mr. or Ms. Visa Student:

**Re: Ontario Scholar**

This letter designates as an Ontario scholar (Mr. or Ms. Visa Student) who has obtained an average of at least 80 percent in fulfilling the requirements for the Secondary School Honour Graduation Diploma.

Yours very truly,

Minister of Education



SCHEDULE A

Date

M. or Ms. Visa Etudiant  
L'address

Dear M. or Ms. Visa Student:

Re: Mérite scolaire de l'Ontario

Le Mérite scolaire de l'Ontario est décerné à l'élève (M. ou Ms. Visa Etudiant) qui a obtenu une moyenne d'au moins quatre-vingts pour cent dans les cours préparant au diplôme d'études secondaires supérieures.

votre vraiment,

Le ministre de l'Education



IN THE MATTER OF The Ontario Human Rights Code, S.O. 1981, Chapter 53, as amended;

AND IN THE MATTER OF a Complaint by the Ontario Human Rights Commission alleging a denial of equal treatment with respect to services and facilities without discrimination because of ancestry, place of origin, ethnic origin, citizenship and family status and thereby granting a preference in the provision of such services by Her Majesty the Queen in Right of the Province of Ontario, Her servants and agents, the Ministry of Education.

---

MINUTES OF SETTLEMENT

---

McMILLAN, BINCH  
P.O. Box 38  
South Tower  
Royal Bank Plaza  
Toronto, Ontario  
M5J 2J7

(Anne M. Molloy 865-7219)

SOLICITORS FOR THE ONTARIO HUMAN RIGHTS COMMISSION.





UNIVERSITE  
YORK  
UNIVERSITY

OSGOODE HALL LAW SCHOOL

4700 KEELE STREET • NORTH YORK • ONTARIO • CANADA • M3J 1P3

REC'D		O.H.R.C.	
INITIAL DATE	INITIAL DATE	INITIAL DATE	INITIAL DATE
76-7-68			
22-12-7			

December 8, 1987

The Hon. Gerry Phillips  
Minister of Citizenship  
6th Floor, 77 Bloor Street, West,  
Toronto, Ontario.  
M7A 2R9.

Re: Appointment of Board of Inquiry pursuant to the Human Rights Code, 1981, c.53, as amended. In the matter of a complaint by the Ontario Human Rights Commission, alleging a denial of equal treatment with respect to services and facilities without discrimination because of ancestry, place of origin, ethnic origin, citizenship and family status and thereby granting a preference to the provision of such services by Her Majesty the Queen in Right of Ontario, Her Servants and Agents, and The Ministry of Education, of Toronto, Ontario.

The Minister of Labour, The Honorable William M. Wrye, appointed me as a Board of Inquiry to hear and decide the above-noted Complaint, as amended on April 16, 1986, in accordance with the provisions of the Human Rights Code.

The matter came on for a preliminary hearing on May 14, 1986, at which time I was informed that the respondents, Her Majesty the Queen in Right of Ontario, Her Servants and Agents, and The Ministry of Education had made an application for judicial review to the Divisional Court of the Supreme Court of Ontario. The Inquiry was adjourned sine die on fifteen days notice to both parties.

On August 19, 1986, I received the Notice of Abandonment of the application for judicial review, from the solicitors for the respondents. It was agreed that a preliminary hearing should be held on October 8, 1986. On October 8th, the respondents brought an application for particulars with respect to paragraph #5 of the Complaint.





Specifically, the respondents requested the names of persons, from whom complaints were received, as referred to in paragraph #5 of the Complaint and the names of individuals, who requested the Human Rights Commission to initiate a Complaint, pursuant to Section 31 (2) of the Code.

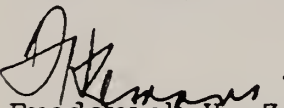
I found that further particulars with respect to paragraph #5 of the Complaint were inappropriate and need not be delivered by the Commission. I enclose my Interim Decision of November 21, 1986.

The hearing of the Complaint was scheduled for December 15, 16, 18 and 19, 1986 at 180 Dundas Street West, Toronto. On December 10, I was informed by counsel for the respondents that the Complaint was being negotiated and that both parties were requesting that the Inquiry be adjourned sine die. During 1987 there were ongoing discussions between the parties who informed me in June that there had been a settlement of the Complaint, subject to certain matters being satisfied. On December 2, 1987, I convened an Inquiry by conference call.

I was informed by Counsel for the Commission and for the Ministry of Education that a settlement had been reached and compiled with by the Respondents and that the Ontario Human Rights Commission was now agreeing to withdraw the Complaint. I was further informed by Counsel that Minutes of Settlement will not form part of the record. (I enclose a copy of the December 3rd letter from Counsel for the Commission).

I am taking this opportunity of reporting this matter to you. As this Complaint has been withdrawn, there is no longer a need for an Inquiry. I am therefore forwarding to you the relevant materials and closing my file.

Yours very truly,

  
Frederick H. Zemans  
Board of Inquiry.

c.c. Ms. Anne Molloy (McMillan Binch)  
Mr. John Bell (Shibley, Righton & McCutcheon)  
Mr. Mark Nakamura  
✓ Ms. Silvilyn Holt (Regional Supervisor)  
Ms. Tony Silberman (Ontario Human Rights Commission)  
Office of Arbitration (Ontario Ministry of Labour).



McMILLAN, BINCH  
BARRISTERS & SOLICITORS

Box 4  
Toronto  
100 Bloor Street  
West, Ontario M5G 1B7

Telephone: (416) 593-7111  
Telex: 381517 BARRISTERS  
Cable: 381517 BARRISTERS  
Cable: 381517 BARRISTERS

865-7219

December 3, 1987

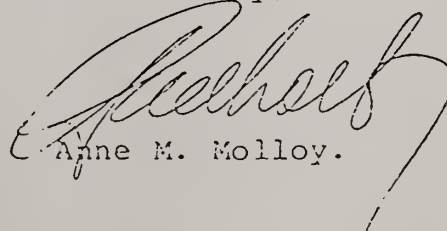
Professor Frederick H. Zemans  
Chairman  
York University  
Osgoode Hall Law School  
4700 Keele Street  
North York, Ontario  
M3J 1P3

Dear Professor Zemans:

Re: Ontario Human Rights Commission v. Her Majesty  
The Queen in Right of Ontario, Her Servants and  
Agents, and The Ministry of Education  
Case #65-8505

Further to the hearing in the above matter conducted by you  
by conference call with counsel for both parties, this will confirm  
that both parties have agreed to a settlement of this matter and  
that pursuant to that settlement the Ontario Human Rights  
Commission has agreed to withdraw its complaint.

Yours truly,

  
Anne M. Molloy.

AMM/av  
AMM^LTZEMANS:VWLIT

cc: Martin Peters

